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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/340,771	06/28/1999	DAVID LEWIS MYERS	13944	4334

7590

03/25/2002

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EXAMINER

PRATT, CHRISTOPHER C

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 03/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/340,771

Applicant(s)

MYERS, DAVID LEWIS

Examiner

Christopher C. Pratt

Art Unit

1771

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 March 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-26.

Claim(s) withdrawn from consideration: _____.

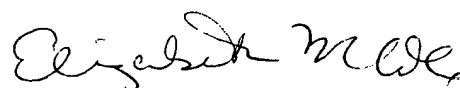
8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


ELIZABETH M. COLE
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's IDS refilled on 3/4/02 will not be considered because it does not comply with 37 C.F.R. 1.56 (d)(1)-(3). In both subsequent actions applicant was requested to submit this IDS, however, applicant failed to comply with these requests.

Applicant argues that it would not have been obvious to add an electric charge to the fibers of Sheth because it is known in the art that it is undesirable to add a charge to hydrophilic fibers. This is not persuasive because the following references teach adding a charge to hydrophilic fibers: 6045694, 5331032, 5045210, 4908137, 4591441, 4201824, 3906064, and 3758605. It would therefore have been obvious to attempt to improve the filter of Sheth.

Applicant also argues that Sheth does not teach a telomer because Sheth only teaches using polymers under the trade name "POLYBOND." This trade name apparently encompasses several different polymers some of which may not include a telomer. The examiner first notes that applicant's specification refers only to "POLYBOND" as a suitable polymer (p. 6, lines 15-16). Also, applicant's cited reference describing the different types of POLYBOND polymers does not state whether any of the different types of POLYBOND do or do not contain a telomer. Therefore, applicant's statement alone is not dispositive as to the presence or absence of a telomer in the different types of POLYBOND. Furthermore, because both Sheth and applicant are creating a nonwoven material used for the same purpose (filter), it would be likely to assume that a similar type of POLYBOND is being utilized. .



ELIZABETH M. COLE
PRIMARY EXAMINER